



Entered on Docket
May 04, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

**SUPPLEMENTAL ORDER SETTING
RESERVE IN CONNECTION WITH
SECOND JOINT MOTION FOR ORDER
FOR IMPLEMENTATION OF
CONFIRMED PLAN**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☒ USA Capital First Trust Deed Fund, LLC

Hearing Held: April 26, 2007
Time: 9:30 a.m.

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The Court conducted an initial hearing on March 1, 2007 on the Second Joint Motion for Order for Implementation of Confirmed Plan (docket no. 2869) (the “Motion”), which was filed on February 22, 2007 jointly by the above-captioned Debtors, the Official Committee of Unsecured Creditors of USA Commercial Mortgage Company (the “Commercial Mortgage Creditors’ Committee”), the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC (the “DTDF Committee”), and the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the “FTDF Committee”). In the order entered March 5, 2007 (the “Second Plan Implementation Order”), the Court granted the Motion except that the issue of the amount of the reserve to be held in the estate of USA Capital First Trust Deed Fund, LLC (“FTDF”) for the services of the Debtors’ Professionals (as defined in the Motion) on behalf of the FTDF estate (the “FTDF Reserve for Debtor’s Professionals”) was continued to a later date to be resolved by agreement between FTDF and the FTDF Committee or by determination of the Court.

At the hearing held April 26, 2007, counsel for the FTDF Committee and counsel for FTDF stated on the record that FTDF and the FTDF Committee had reached agreement that the FTDF Reserve for Debtor’s Professionals should be set at \$645,000.00, subject to a reservation of rights by the FTDF Committee as to the allowance and payment of Debtors’ Professionals’ fees and costs from such reserve.

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1 WHEREFORE, having considered the parties' agreement, and good cause appearing, THE
2 COURT HEREBY ORDERS THAT:

- 3 1. The FTDF Reserve for Debtor's Professionals shall be set at \$645,000.00; and
4 2. The FTDF Committee and FTDF have the right to review and challenge, as
5 provided in the Motion, the Second Plan Implementation Order, and the record at the hearing held
6 on April 26, 2007, the post-effective date fees and costs incurred by the Debtors' Professionals on
7 behalf of the FTDF estate.

8 Submitted by:
9 SCHWARTZER & MCPHERSON LAW FIRM
10 and RAY QUINNEY & NEBEKER P.C.

11 By: /s/ Lenard E. Schwartzer
12 LENARD E. SCHWARTZER, ESQ.
13 JEANETTE E. MCPHERSON, ESQ.
14 ANNETTE W. JARVIS, ESQ.
15 *Attorneys for FTDF*

16 Approved by:
17 STUTMAN TREISTER & GLATT, P.C. and
18 SHEA & CARLYON, LTD.

19 By: /s/ Eve Karasik
20 EVE KARASIK, ESQ.
21 CANDACE C. CARLYON, ESQ.
22 *Counsel for the Official Committee of*
23 *Equity Security Holders of USA Capital*
24 *First Trust Deed Fund LLC*

25 Approved by:
26 OFFICE OF THE U.S. TRUSTEE

27 By: /s/ August B. Landis
28 AUGUST B. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

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